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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,877	05/30/2001	Jesse Ambrose	OIC0157C1US	4487
60975 7590 07/18/2008 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
EXAMINER				
QUELER, ADAM M				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
07/18/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/866,877

**Applicant(s)**

AMBROSE ET AL.

**Examiner**

ADAM M. QUELER

**Art Unit**

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-24, 28-32, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-24, 28-32, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communications: Amendment and RCE filed 06/23/2008.
2. Claims 21-24, 28-32, and 34-35 are pending in the case. Claims 21 and 28 are independent claims.
3. The rejection of claims 21-24 and 34-35 under §112 is withdrawn in view of Applicant's amendment.

***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/23/2008 has been entered.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**7. Claims 21-24,28,31,32,34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh et al. (US 6633914 B1, 10/14/2003) hereinafter Bayeh-914, , and further in view of Bayeh et al. (US 6012098 A, 01/04/2000), hereinafter Bayeh-098. Microsoft TechNet, "Transmission Control Protocol" hereinafter TechNet is cited as evidence regarding TCP.**

**Regarding independent claim(s) 21**, Bayeh-914 teaches at least a first and second client computer (Fig. 2, 30a-c). Bayeh-914 teaches a server comprising a memory (col. 3, line 44, configuration similar to client col. 4, ll. 27-28). Bayeh-914 teaches a server comprising an object manager (web server) comprising business objects that contain business logic, (servlets col. 4, ll. 49-64). Bayeh-914 teaches the server handles the requests from the clients and dispatches them to the servlets or objects (col. 5, ll. 2-15), as well tracks whether they are in-use (col. 1, ll. 60-62), and therefore provides common control and monitoring. Bayeh-914 teaches at least a first and second request, inherently comprising a first and second data that define the request, which are entered by thin client user interfaces (Web Clients, col. 5, ll. 2-6). Bayeh-914 teaches that each object returns results (col. 6, ll. 5-8). Therefore the requests were processed in accordance with the object, and received by the object manager and forwarded to the client. Bayeh-914 teaches the connections are TCP connections (col. 4, ll.16-17). TechNet is cited as evidence that a TCP connection is a session-based connection (p. 1, last bullet and "How TCP works", para. 2).

Bayeh-914 does not explicitly disclose repeating the above steps for a third and fourth request. However, it would have been obvious to one of ordinary skill in the art at the time of the

invention to repeat the steps described above for the first and second step, and apply them to a third and fourth request, via the first and second session-based network connections, respectively, because Bayeh-914 expressly suggests leaving a connection open so that another request (the third and fourth, respectively) can use the connection (col. 6, ll. 22-23).

Bayeh-914 does not explicitly disclose what the servlets are being used for. Bayeh-098 teaches a servlet system similar to Bayeh-914 in which the servlets retrieve data from a database (col. 7, ll. 47-50, Fig. 4). It would have been obvious to combine Bayeh-914 and Bayeh-098 to provide a database to the servlets of Bayeh-914. The above combination does not teach the data is specifically definitions, characteristics, structure and usage. Therefore, the differences in the claimed invention are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. All the steps of the function would be performed the same way regardless of what data is provided for the user interfaces. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide any data for the user interface because such data does not functionally relate to the steps in the claimed method and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

**Regarding independent claim(s) 28**, Bayeh-914 teaches a server comprising an object manager, the web server, comprising business objects that contain business logic, the servlets (col. 4, ll. 49- 64). Bayeh-914 teaches the server handles the requests from the clients and dispatches them

to the servlets or objects (col. 5, ll. 2-15), as well tracks whether they are in-use (col. 1, ll. 60-62), and therefore provides common control and monitoring. Bayeh-914 teaches at least a first and second request (col. 5, ll.2-6), inherently comprising a first and second data that define the request, from a first and second client computers (Fig. 2, 30a-c). Bayeh-914 teaches that each object returns results (col. 6, ll. 5-8). Therefore the requests were processed in accordance with the object, and received by the object manager and forwarded to the client. Bayeh-914 teaches the connections are TCP connections (col. 4, ll.16-17). TechNet is cited as evidence that a TCP connection is a session-based connection (p. 1, last bullet and "How TCP works", para. 2).

Bayeh-914 does explicitly disclose repeating the above steps for a third and fourth request. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to repeat the steps described above for the first and second step, and apply them to a third and fourth request, via the first and second session-based network connections, respectively, because Bayeh-914 expressly suggests leaving a connection open so that another request (the third and fourth, respectively) can use the connection (col. 6, ll. 22-23).

Bayeh-914 does not explicitly disclose what the servlets are being used for. Bayeh-098 teaches a servlet system similar to Bayeh-914 in which the servlets retrieve data from a database (col. 7, ll. 47-50, Fig. 4). It would have been obvious to combine Bayeh-914 and Bayeh-098 to provide a database to the servlets of Bayeh-914. The above combination does not teach the data is specifically definitions, characteristics, structure and usage. Therefore, the differences in the claimed invention are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. All the steps of the function would be performed the same way regardless of what data is provided for the user interfaces. Thus, this descriptive

material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide any data for the user interface because such data does not functionally relate to the steps in the claimed method and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

**Regarding dependent claim(s) 22**, Bayeh-914 teaches the object manger is multi-threaded, and therefore inherently multi-tasking (col. 1, ll. 52-55).

**Regarding dependent claim(s) 23, 24, 34 and 35**, Bayeh-914 teaches the clients are at least two different types of client technology (col. 4, ll. 6-9).

**Regarding dependent claim(s) 31 and 32**, Bayeh-914 does not expressly describe a sales business object or customer service business object. The broadest reasonable interpretations of these objects are objects that return results pertinent to sales and customer service, respectively. Bayeh-914 instead teaches a general object and is silent as to the type of data being received. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. All the functions of the apparatus would be performed the same way regardless of whether the objects returned sales data, customer service data, or any type of data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was

made to return results of any category (including sales and customer service), therefore having any category of object (including a sales business Object and a customer Service business object) because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

**8. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh-914 and Bayeh-098, as applied to claim 28 above, and further in view of Applicant's Admitted Prior Art.**

**Regarding dependent claim(s) 29**, Bayeh-914 does not specifically mention encryption, however does operate under the HTTP protocol. Applicant admits (as per MPEP 2144.03.C, no traversal of Official Notice of 06/02/2006 is taken as an admission) that HTTPS an encrypted version of HTTP was well-known and frequently used in place of HTTP when security was necessary at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use HTTPS rather the HTTP to prevent unauthorized data intrusion, a well-known desirable goal at the time of the invention.

**Regarding dependent claim(s) 30**, Bayeh-914 does not specifically mention authentication, however does operate under the HTTP protocol. Applicant admits (as per MPEP 2144.03.C, no traversal of Official Notice of 06/02/2006 is taken as an admission) that HTTP requests requiring authentication were well-known and frequently used when security was necessary at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use HTTP authentication to prevent unauthorized data intrusion, a well-known desirable goal at the time of the invention.



***Response to Arguments***

9. Applicant's arguments with respect to claims 21-24, 28, 31, 24 and 35 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM M. QUELER whose telephone number is (571)272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Adam M Queler/  
Patent Examiner, Art Unit 2178